“EMPOWERMENT OF WOMEN THROUGH RESERVATION IN LOCAL SELF GOVERNMENT- A LEGAL STUDY WITH SPECIAL REFERENCE TO LATUR DISTRICT”

SYNOPSIS

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Research Guide

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Topic of the Proposed Research Work :-

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1) Introduction:-

Local self Government has not a new concept in India. From the Ancient period it found. It has a long history in ancient India the whole village was a self sufficient unit of the communities live under a common brotherhood and almost every village in the country had a self –Governing body of its own. The village panchayat formed by the village headman which was called 'Gramini' or Mukhiya of village. For the purpose of Administration of justice and administration of other local affairs and also protection of villagers from the thieves, with the help of all villagers.

There are many references are found to the existence of village panchayat in ancient period, that is in Manusmritis a description of village panchayat or rural communities are found.In the Arthashstra of Kavtilya provides the system of village administration carried under the supervision and direction of the village headman. Who was responsible for ensuring collection of state dues and reporting and controlling the activities of offenders,in Ramayana of Valmiki we read about the Ganapada. Which was a kind of federation of village panchayat, in Neetisara of Sukracharya'spanchayat had large power both executive and judicial.

British Period :-

During the period of British Government there was no importance of local Governments in the early days. A centralized civil and judicial administration was set-up by the British rulers at first.

But after 1857 the British rulers had taken up a decision for financial decentralization because in previous days they faced several financial crisis therefore they givethe importance to local self government, so they set-up some important advisory bodies or persons for the recommendation of establishment of local self Government in rural areas in India.

- **Lord Mayo:-**

The lord Mayo's famous resolution of 1870 for decentralization of powerexerted significant impact on the development of local government in India.

- **Lord Ripen's resolution-1882:-**

Lord Ripen's resolution 1852 was the milestone in the development of the local self Government in India therefore lord Ripen's also known as father of local self Government in India, Lord Ripon wrote-"what I want is a gradual training of the best, most intelligent men in the community to take an interest and active part in the management of their local affairs".

Lord Ripon made it clear that he was advocating for the decentralization of administration not with a view of improving administration but as an instrument of political and popular education.

- **Royal Commission:-**

The Royal commission on decentralization report stated that "we consider, as the local self-Government should commence in the village with the establishment of village panchayat and the commission recommended granting some powers to panchayat so that they can perform their duties effectively.

- The Montagu Chelmsford reform the Simon Commission 1927 was established for the recommendations for better administration of local sells Governments.

- **The Government of India Act of 1935**

The Government of India Act – of 1935 introduced the provincial autonomy. The department of local self government come under control of popular minister who could afford to put more money at the disposal of the local bodies, laws was passed practically in every province to give more functions to local bodies.

During the freedom movement, Mahatma Gandhi strongly advocated the 'Gram Swaraj' he was in favor of 'Grampanchayat' system for self –sufficient unit for villagers.

The constitution of India which was adopted on 26 November and enacted from 26 January 1950 inserted only one article for the establishment of village panchayat under Article 40 of the constitution of India- The state shall take steps to organize village panchayat and Endow them with such powers and authority as may be necessary to enable them to function as units of self Government thus a new era of democratic decentralization in India began by the constitutional provision in support of Panchayati Raj.

- **Women's Participation:-**

The real development of panchayat raj in general and participation of women in panchayat began effectively in India after independence.

Central Government and state Government are set-up different committees to study on local self Government and different statutory provisions were also made for better administration of local self Government and empowerment of women through reservation policy in such local self Government.

2) Significance of the study :-

The concept of Empowerment of women in an important aspect of the constitution of India. The role of women participation in the decision-making in all spheres of society concerning social, political, economic and cultural process is very limited in a previous days. The potential of women always unrecognized several factors are responsible for such un-recognition these factors are illiteracy, economic dependency lack of confidence, unawareness of won rights etc.

The proposed research work is an attempt to analysis the situation of women empowerment through reservation in local self Government with special reference to Latur district within the state of Maharashtra. Now a days constitution of India empowered the women's in various sectors of society, empowerment of women includes overall development in the spare of education, employment, legislative powers, decision making power, health awareness of own rights and in particular participation of women in local self Government through reservation.

The 73^{rd} and 74^{th} Constitutional Amendment Acts are the landmarks for the empowerment of women through reservation in local self Government in India. It's a big achievement in participation in the process of decision making process in society through direct participation in Panchayat Raj. This Acts provides 33% reservation of seats for women in rural and urban local elected bodies.

Women empowerment refers to the process of strengthening the hands of women. It is a process in which women gain control over their own lives by claiming their rights in all spares of society.

The real concept of women empowerment for enabling the women to be a economical independent, self-reliant have a positive self-esteem person having the confidence for facing any difficult situation and should be able to participate in the process of decision making.

The present study under the title of empowerment of women through reservation in local self Government A- legal study with special reference to Latur district examine the nature of women participation in local self Government in order to understand the awareness of their own rights in women elected members, their performance in meeting and financial matters of local self Government at grass roll level at the democracy.

Such research is also made to examine their contribution in development activities and schemes execution of social welfare ultimately it's a journey forwards the making of good Governance in grass roll level of democracy through reservation for direct election and participation in local self Government.

3) Statement of Problem :-

The status of women in India has seems many ups and downs since from Ancient times. Ancient history i.e. in Vedic time it considered as a devimaa, Godess on earth, very honorable during the medieval period confined behind the vails (Parda system) women in post independent in India the status of women regained they are participated in almost all type of economic activity, house hold, services, voting for better government and also in active politics, India has elected a women prime minister, India Gandhi and a women president PrathibhaPatil in present women elected for defense minister of nation at present central Government and state Government women comprise roughly quarter of cabinet with portfolios like external affairs, commerce & human resource development.

At the ground level India has a significant proportion of women in local self Government which has been achieved by reserving seats for women.

But the challenge is to estimate the actual participation of women in the decision making process.

This study analyzed issues related to empowerment of women through reservation in local self Government – A legal study with special reference to Latur district that is elected women representative in local self Government. Indian women's life having various dimensions of personal, domestic and community life, all dimensions are very important nothing is bigger and nothing is smaller every dimension of life is equal therefore first struggle of women life started from the problem of maintain balance in all these dimensions of life because in India family is the highest important institution to maintain social life. Another most important and crucial aspects of women empowerment through reservation policy in local self Government

therefore the present study examine the nature and degree of conflict between various roles and benefits to society the extent of knowledge and awareness about Panchayati Raj system and their role in the decision making process it covered 1 ZillaParishad's namely LaturZillaParishad, 10 PanchayatSamities and 1 Municipal corporation namely LaturMunicipal Corporation therefore the collection of data on women participation in local sells Government is essential for policymakers on different dimensions for both budgeting and policy intervention purposes also.

4) Importance of the study:-

The institutions of local self government are playing vital role in rural areas. Relating their administration and number of development activities at the root level of governance it is very effective to aware their own rights and raise the living standard of people who are living in rural areas.

Now-a-days empowerment of women through reservation in local self government made the good governance at the bottom of state government.Hence, it is very important to study such topic and find out the needs of general people of rural areas and accordingly providing any other facilities or power to solve their problems.

It has empowered women to participate not only for claiming reservation on seats but also enhance their functions and improve development activities by bringing various progressive policies.

Review of literature shows that different researchers and experts discussed various aspects of women empowerment through reservation in local self government. It has been observed that none of the studies addresses the issues of Latur district relating various problems faced by women while participating in local government. Therefore, this study is an attempt to address these issues.

5) Objectives of the study:-

Following are the objectives of the present study:-

1. To understand the relation of women empowerment and participation in local self Govt.
2. To study the reservation policy for women in local self government.

3. To observe the role of women in local self government.
4. To examine the reservation on the basis the category and find out actual reservation is given to women.
5. To study about awareness of rights in women.
6. To study the percentage of actual participation of women in local self Government.
7. To examine the difference in nature of participation of women members in rural local self govt. and in urban local self govt.
8. To find out percentage of literacy of women in local self government.
9. To find out the family support of women in local self government.
10. To study women participations for good governance.

6) Hypothesis of the study :-

Hypothesis is an important stage of research; hypothesis means a tentative statement of relating to research problem it provides direction to research problem. It provides direction to research means it's provide direction to identify the method or procedure in solving the research problem.

The imaginative idea of researcher about this topic is that there are women's are not enjoying and exercising their rights as equal footing as other human being due to the lack of proper implementation of constitutional and other provisions regarding their empowerment.

73rd Amendment and 74th Amendment of constitution of India given reservations of women in local self Government so due to which women empowerment has been take place in India.

In consistent with the objective following hypotheses were formed.

1. Reservation of women in local self government created empowerment of women.
2. Participation of women in panchayat raj created awareness of their rights.
3. Participation of women in local self government brought good governance in rural area.
4. Women struggled a lot for achieving reservation in local self government and their participation in political process.
5. Women empowered in India through Reservation in L.S.G. but still need to effective implementation of all reservation policy & active participation of women in local self Government.

   Above hypothesis shall be tested by using appropriate research tools.

7) Area of Research :-

As the proposed research work is conducted in one district i.e. Latur district and such study area is divided into two parts rural study area and urban study area.

In Rural Study Area :-

In rural area there is apex body of rural local self government i.e. Laturzillaparishad have been selected as study area as well as 10 panchayatsamitis are selected for such research proposal.

In Urban Study Area :-

In Urban area a municipal corporation, i.e. Laturmunicipal corporation have been selected as study area.

8) Research Methodology :-

The word research denotes that to find something new. it is an truth, attempt to discover information for any purpose based on study and experiment.

According to Encyclopedia Britannica "Research is an act of searching into a matter closed and carefully inquires directly to the discovery of truth and of the principles and facts of any subject based on original and firsthand study of authorities or experiment".

Thus legal research requires their own research methodology which applicable to subjects to solve systematically a research problem.

The present research is basically a non-doctrinal research data related to empowerment of women through reservation in local self government a legal study –with special reference to Latur district is not available easily because it's not published in any book.

Therefore the primary data for the study is collected from field survey and for this purpose researcher has used interview method by questionnaire structured for finding out the problems faced by women's for achieving the reservation and empowerment in local self government.

The secondary data is collected from reports, books, journals, bulletins, newspapers,internet published and unpublished monographs relating to the empowerment of women.

9) Research Questions

1) Do the socio economic back ground of the elected member determine the participation and empowerment of women?
2) What is the nature of participation women in local self Government?
3) What is the role of elected women members in the decision making process in local self Government?
4) What is the impact also elected women members in the local bodies on their empowerment?
5) Do the urban areas provide favorable environment for the active participation of women member than in the rural areas?
6) Does the social system hamper the empowerment of women in local self Government?
7) Whether reservation of women in local self Government played creative role in the participation of women in local self Government.

8) Empowerment of women through reservation policy in local self Government createsawareness of rights or not.

10) Review of Literature:-

- **The Lord Ripen's Resolution (1882)**

Lord ripen was the founding father of local self Government in India. he made remarkable contribution to the development of local Government in 1882,he abandoned the existing system of local Government by the officially nominated people. According to his local self Government plan, the local boards were split into smaller units to achieve greater efficiency. In order to ensure popular participation, he introduced an election system for the local boards.

- **Some resolutions by Ripens in 1882.**
  1) Government should give grant for public works.
  2) Government does not control directly its control should be indirectly on local Government.
  3) Local Government should be elected by people of its president is not appointed as a Go vet officer. He should be also elected by people.
  4) Governments at the time of prepare his budget for local body.
  5) In local Government majority members are non Government.
  6) Local bodies should enjoy full control over their employees.
  7) Government should implement these resolutions according to the situation of that state.

- **The Royal Commission - 1907**

The royal commission on decentralization of power

The commission recommended that, it is most desirable alike in the in forests of decentralization and inorder to associate the people with the local tasks of administration that an attempt should be made to constitute and develop village panchayat for the administration of local village affairs.

The main recommendations of royal commission

a) Village should be the basic unit of local self Govt. institutions.
b) Every village should have a panchayat.
c) Municipality should be constituted in urban areas.

d) The municipality should elect its own presidents
e) District collector should continue to be the president of the district local board.
f) Municipality should be given the necessary authority to determine the taxes and to prepare their budget after keeping a minimum reserve fund.
g) Government should give grants for public works like water supply drainage etc.
h) Local bodies should enjoy full control over the employees subject to certain safeguard for the security of service.
i) Outside control over the local bodies should restrict to advice, suggestions and audit.
j) The Government control over the municipal power of raising local loans should continue and the prior sanction of government should be obtained.
k) The responsibility for primary education should rest with local government.
l) Presidents of the local body should be a member of the public and elected either than nomination.
m) Local bodies should be allowed freedom in the preparation of the budget imposition of taxes and sanction of works.

- Community Development Programme :-

The Community development program has been biggest rural reconstruction scheme under taken by the government.In India it is not new but it is found in ancient period also.The ideas are as old as the Vedas and the notable feature of the Mohenjo-Daro civilization.The spirit of communal co-operative all the Vedic ceremonies in which every member of the community participated in the 4^{th} century.Therefore village communities flourished and functioned well in ancient India.The community development program of the present form is an American concept. It is the culmination (Important activity series of events) of the economics of rural reconstruction and developed in the United States.Its practical uselessness justified under the Indian conditions by experiments made at various places. A community development programmesare :

a. Bring about an all-around improvement in living standard of rural population.
b. It is really a concept of all round development as distinguished from the development of a particular aspect of rural life like agriculture education health industries.

Main Features of Community Developments Programme

Economic regeneration:-

Community development programmes have to encourage development of cottage industries or other crafts as main or subsidiary occupation. To raise agriculture efficiency is the basic purpose of community development.

Comprehensive in Character :-

Economic recovery through improvement of agriculture and expansion of cottage industries is to be perused side by side with education among people of all ages. Provisions of speedy communication and transport measures for better health medical and it means the community development programme is multipurpose.

Organic Character of The Plan :-

People should accept the plan as their own and it is necessary to prepare people psychologically to regain confidence and to regard themselves as the mulches of their own destinies.

Multi Purpose Guide at the Bottom of Government :-

The man at the bottom of the community development organization it is a multipurpose guide i.e. practices of agriculture animal husbandry.

The community development programme was started in 1950 on 7th may 1952 prime minister Jawaharlal Nehru and chairman of the planning communication conference.

- **The Balwantrai Mehta Committee Report 1957 :-**

The task of strengthening panchyat raj system fell on the Indian government formed after independence it was clear that India of country of collages had to strange them village panchayat to strengthen democracy Mahatama Gandhi who strongly believed in A Gramaswaraj pleaded for the transfer of power to rural development. According to him the villages should govern themselves through elected panchayat to become self-sufficient.

But surprisingly the draft constitution prepared in 1948 had no place for panchayat raj institutions.Gandhiji criticized this and called for immediate attention it is thus, that panchayat finds a place in the directive principle of the state policy. Act 40 of the Directive principles of state policy states that the states shall for steps to organize village panchayat and enable them with such power and authority as may be necessary to function as unit of self government.

Then after BalwantraiMehta committee was set up in 1957 to look in to the problems of democratic decentralization in independent India. The committee was asked to report on community development projects. The committee made for reaching recommendations in the directions of democratic decentralization and rural reconstruction. So committee laid down five fundamental principles in his reports.

BalwantraiMehta Committee Recommendations :-

I) There should be three tier structures of local self government bodies from village to the district level and these bodies should be linked together.

II) There should be genuine transfer of power and responsibility to these bodies to enable them to discharge their responsibilities.

III) Adequate resources should be transformed to these bodies to enable them to discharge their responsibilities.

IV) All welfare and development schemes and programmes at all three level should be channeled through these bodies.

V) The three tier system should facilities further devolution and disposal of power and responsibility in future, there tire system of panchayats known as Zillaparishadpanchayatsamiti, and grampanchayat and recommended encouragement of peoples participation in community work, promotion of agriculture and the welfare of the weaker sections and women through the panchayats.

The recommendations of the Balwantrai Mehta committee come in to effect on 1st April 1958.

- **G.V.K.Rao Committee (1985)**

The G.V.K.Rao committee was appointed by planning commission to once again look at various aspects of PRIs. The committee was of the opinion that view of rural development must be taken in which PRIs must play a central role in handing people's problems. It recommended the following:

- PRIs have to be activated and provided with all the required support to become effective organizations,
- PRIs at district level and below should be assigned the work of planning implementation and monition and monitoring of rural development programmes.
- The block development office should be the spinal cord of the rural development process.

L. M. Singhavi Committee (1986)

L.M. Singhavi committee studies panchayati raj. The gram sabha was considered as the base of a decentralized and PRLs viewed as institutions of self-governance which would actually facilities the participation of the people in the process of planning and development. It recommended.

Local self-government should be constitutionally recognized, protected and preserved by the inclusion of new chapter in the constitutions.

Non involvement of political parties in panchyat elections.

The suggestion of giving panchyats constitutions status was opposed by the sarkaria Commission, but the idea however gained momentum in the late 1980s especially because of the endorsement by the late Prime Minister Rajiv Gandhi who introduced the 64th constitutional Amendment Bill in 1989. The 64th Amendment Bill was prepared and introduced in the lower house of parliament but it got defeated in the Rajyasabha as non-convincing. He lost the general elections too. In 1989 the National front introduced the 74th constitutional amendment Bill, which could not become an Act because of the dissolution of the ninth loksabha All these various suggestions and recommendations and means of strengthening Pries were considered while formulating the new constitutional amendment Act.

• The 73rd Constitutional Amendment Act :-

The idea which produced the 73rd amendment was not a response to pressure from the grassroots but to an increasing recognition that the institutions initiatives of the preceding decade had not delivered. That the extend of rural poverty was still much too large and thus the existing structure of government needed to be reformed, It is interesting to note that this idea evolved from the centre and the state governments It was a political drive to see PRIs as

a solution to the governmental crises that India was experiencing. The constitutional (73rd amendment) act passed in 1992 by the NarasinhaRao government came into force on April 24 1993, it was meant to provide constitutional sanction to establish democracy at the grassroots level as it is at the state level or national level its main features area as follows.

The gram sabha or village assembly as a deliberative body to decentralized governance has been envisaged as the foundation of the pannchayati raj system 73rd amendment of the constitution empowered the gram sabha's to conduct social audits in addition to its other functions. A uniform three tier structure of panchayats at village (gram panchayat-GP) intermediate or block (panchayatsamiti-PS) and district(Zillah parishad-Z.P.) levels.

All the seats in a panchayat at every level are to be filled by elections from respective territorial constituencies.Not less than one-third of the total seats for membership as well as office of chairpersons of each tier has to be reserved for women.Reservation for weaker castes and tribes (SC's and ST's) has to be provided at all levels in proportion to their population in the panchayats. To supervise direct and control the regular and smooth elections to panchayats a state election commission has the Act has ensured institutions of a state finance commission in every state/UT for every five years to suggest measures to strengthen finances of panchayati raj institutions.To promote bottom up planning the district planning committee (DPC) in every district has been accorded to constitutions status.

- **Ashok Mehta Recommendations :-**

The Ashok Mehta committee 1978.was setup to enquire into the working of the panchayat Raj institution and to suggest measures for strengthening them so as to enable decentralized planning and effective development. It recommended a two tier model of panchyat Raj institution instead of three model.

- **Hazarika Recommendations(1978) :-**

Conclude in their article that local bodies are not entirely democratic there is no genuine decentralization of powers and functions in them. Therefore true "democratic decentralization's not any financial devolution should be committed to accepting the much of the district level would be played by the panchayats".

11) Brief description of the Topic of Research (Chapter wise)

1) Chapter-I – Introduction

In this first chapter of the proposed research work the researcher intends to introduce an outline of the research subjects. It describes the significance of the topic the problem situated in this study and the hypothesis formulated for the purpose, the methodology adopted for pursuing the investigation relating to the research subject.

2) Chapter-II – Empowerment of women in India

In this chapter researcher tries to discuss in detail how the concept of empowerment of women in India takes place in different periods and also under various constitutional and other provisions.

3) Chapter-III – Local self Government in India

In this chapter researcher stated about various committees and reports relating to the evaluation of local self government in India before independence and after independence.

4) Chapter-IV – Constitutional & other provisions for local self Government in India

In this chapter researcher discussed constitutional provisions for the local self Government in India and other laws relating to local self Government such as under zillaparishad and panchayatsamiti Act 1961, Municipal corporation Act 1999 etc.

5) Chapter-V – Reservation policy for women in local self Government in India

In this chapter researcher willing to provide information of reservation policy in local self government for the empowerment of women.

6) Chapter-VI – A legal study of Latur district relating to empowerment of women through reservation in local self Government

In this chapter researcher willing to discuss empowerment of women in specific Latur district. Collect various data by interview methods and survey in local self government.

7) **Chapter-VII – Conclusions and suggestions**

In this chapter at the end of the thesis gives a summary of the work the findings of the researcher and his recommendations.

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